

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Donald Pope
Debtor

Bankruptcy No.10-77242-swr
Honorable Steven W. Rhodes
Chapter 13

CHAPTER 13 PLAN MODIFICATION

DEBTOR, by and through his Attorney, states the following in support of this plan modification;

1. Debtor is in a Chapter 13 plan that was confirmed on March 14, 2011.
2. Debtor's plan as confirmed runs 36 months and pays a dividend of 5% to the unsecured creditors.
3. Pursuant to the confirmed plan, the Debtor is to turn over all federal tax refunds. For 2010 the Debtor had a federal tax refund of \$217.00 and for 2011 the Debtor had a federal tax refund of \$1054.00.
4. The Debtor's budget incorrectly reflects that taxes and insurance are included in the mortgage payment. As such, the Debtor had no budgeted amounts for those items and used the tax refunds to supplement payment of those property taxes.
5. On October 11, 2012 the Debtor entered into a permanent loan modification with the secured mortgage creditor Seterus as Servicer for the lender MERS. Said modification changed the on-going mortgage payment to a fixed payment of principal and interest of \$691.75 beginning November 1st 2012. Said on-going mortgage payment is paid through the plan and the creditor has failed to file a mortgage payment change notice with this court.
6. The Debtor proposes to amend the confirmed Chapter 13 plan by excusing turnover of the 2010 and 2011 Federal income tax refunds in the amounts of \$217.00 and \$1054 respectively and to change the Class 2 ongoing mortgage payment to \$691.75. Debtor proposes to further modify the plan by reducing plan payments to \$219.22 per week. With said modifications the plan will still pay the unsecured dividend of 5%. (See Exhibit for worksheet)
7. The effect of this plan modification on creditors will be as follows:
 - Class One-** No effect.
 - Class Two-** Payments to creditor will be reduced to reflect the correct ongoing mortgage payment pursuant to the loan modification entered into on October 11, 2012.
 - Class Three-** No creditors of this class are in this case.

Class Four- No creditors of this class are in this case.
Class Five- No creditors of this class are in this case.
Class Six- No creditors of this class are in this case
Class Seven- No creditors of this class are in this case.
Class Eight- Creditors in this class will receive the 5% dividend projected at confirmation but less than if turnover of the refunds were required or the payment reduction denied.

WHEREFORE, it is requested that Debtor's confirmed plan be modified to excuse turnover of the 2010 and 2011 federal tax refunds in the amount of \$217 and \$1054, that the Class 2 ongoing mortgage payment be reduced to \$691.75 and that the plan payment be reduced to \$219.22 per week.

Dated: March 15, 2013

_____/S/Tricia S. Terry_____
Tricia S Terry (P59522)
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103
734-663-0555
ttery@marrsterry.com

EXHIBIT

WORKSHEET-PLAN MODIFICATION

1. Length of Plan is _____ weeks; **12** months; _____ years.

Step #1:

2. \$ **219.22** per pay period x ^(weekly)
52 pay periods per Plan = \$ **11399.44** total per Plan

Step #2

3. \$ _____ (_____ periods in Plan = _____

4. Lump Sums: Balance on hand **1381.54**

5. Equals total to be paid into the Plan **12780.98**

6. Estimated trustee's fees **640.27**

7. Attorney fees and costs-remaining **11.71**

Plus estimated future **2000.00**

8. Total priority claims remaining **0.00**

9. Total installment mortgage or
other long-term debt payments **8301.00**

10. Total of arrearage
including interest **0.00**

11. Total secured claims,
including interest **0.00**

Total of items 6 through 11 \$ **10953.06**

12. Funds available for unsecured creditors \$ **1828.00**

13. Total unsecured claims \$ **36552.00**

14. Estimated percentage to unsecured creditors under Plan **5 %**

15. Estimated dividend to general unsecured creditors if
Chapter 7, (\$ **0.00**

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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Tricia Stewart Terry
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103

Krispen Carroll
719 Griswold
1100 Dime Building
Detroit MI 48226

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

Dated: March 15, 2013

_____/S/Tricia S. Terry_____
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ORDER MODIFYING CONFIRMED PLAN

This matter having come before the Court upon the application of Tricia Stewart Terry, of Marrs & Terry, PLLC, and all interested parties having been served with notice of the modification, no objections to the modification having been received and a certification of no response having been filed, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the Debtor's confirmed plan is modified excuse turnover of the 2010 and 2011 Federal income tax refunds in the amount of \$217 and \$1054; and

IT IS FURTHER ORDERED that the Class 2 ongoing mortgage payment shall be \$691.75 per month; and

IT IS FURTHER ORDERED that the plan payments shall be reduced to \$219.22 per week.

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**PROOF OF SERVICE OF DEBTORS' POST-CONFIRMATION CHAPTER 13 PLAN
MODIFICATION**

The undersigned hereby states that she did serve the **Debtors' Post-Confirmation Chapter 13 Plan Modification, Notice of Plan Modification, Proposed Order** and **Proof of Service** via the courts Electronic Case Filing System or First Class U.S. Mail upon the following:

****SEE ATTACHED MATRIX****

Dated: March 15, 2013

_____/S/Jennifer Keener
Jennifer Keener
Legal assistant
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103
734-663-0555
jkeener@marrsterry.com